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VIA ECF

The Honorable Leonard P. Stark
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

**Re: *Crystallex International Corporation v. Bolivarian Republic of Venezuela et al.*,
C.A. No. 17-mc-151-LPS**

Dear Judge Stark:

I write on behalf of Crystallex in response to letters from Mr. Jerry Ching and Mr. David Pacheco to Your Honor, filed on the Court's docket on August 1, 2023 (D.I. 647) and August 4, 2023 (D.I. 651), respectively. Mr. Ching asserts that his shares in Crystallex "were sold without [his] consent or knowledge." D.I. 647 at 1. And Mr. Pacheco contends that his broker was "advised by Crystallex to remove [his] shares" from his account. D.I. 651 at 1. While Crystallex appreciates Messrs. Ching's and Pacheco's questions, the answers have nothing to do with Crystallex's management or corporate actions. Instead, Messrs. Ching's and Pacheco's concerns appear to arise from the independent actions of third-party securities professionals and custodians outside the scope of this case.

Specifically, Crystallex understands that the reported "removal" of various shareholders' shares from their brokerage accounts is the result of decisions of their brokers and policies of the Depository Trust Company ("DTC"), which holds physical possession of Crystallex's shares. After Venezuela's theft of Crystallex's mining rights drove Crystallex into bankruptcy more than a decade ago, the Toronto Stock Exchange and the American Stock Exchange (now NYSE American) delisted Crystallex's shares. As a result of that delisting and the end of active trading, certain brokerages have apparently removed Crystallex's delisted shares from their clients' accounts in conformity with their own internal policies and the DTC's Position Removal program, which permits participants to move positions in delisted securities to the DTC. *See* DTC, Deposits Service, <https://www.dtcc.com/settlement-and-asset-services/securities-processing/deposits-service> (accessed August 10, 2023). Crystallex does not and cannot control that process.

In sum, Crystallex has not played a part in any brokerage's decision to remove Crystallex's securities from shareholder accounts. Crystallex understands that the issues raised by Messrs. Ching and Pacheco need to be resolved between DTC and its member broker-dealers. Issuers, such as Crystallex, have no control over such matters.



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Respectfully submitted,
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CC: All counsel of record